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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DONNA WILCOX, and individual,

Plaintiff,

v.

SAM'S WEST, INC, a Foreign Corporation;
DOE EMPLOYEES OF SAM'S WEST, INC,
DOES 1-20 and ROE BUSINESS ENTITIES
1-20, inclusive,

Defendants.

Case No.: 2:24-cv-01054-CDS-MDC

**STIPULATION AND PROPOSED ORDER
TO EXTEND DISCOVERY DEADLINES**

(FIRST REQUEST)

IT IS HEREBY STIPULATED AND AGREED, between the parties and their attorneys of record, that **the current discovery deadlines to be extended** pursuant to Local Rule 26-1(b).

I.

DISCOVERY COMPLETED TO DATE

1. The parties have conducted the FRCP 26.1 Early Case Conference.
2. Plaintiff has produced her Lists of Witnesses and Documents pursuant to FRCP 26(a).
3. Defendant has produced its Lists of Witnesses and Documents pursuant to FRCP 26(a)
4. Defendant has propounded discovery to Plaintiff.
5. Plaintiff has propounded discovery to Defendant.
6. Defendant has responded to Plaintiff's discovery.

II.
DISCOVERY THAT REMAINS TO BE COMPLETED

1. FRCP Rule 35 Examination of Plaintiff.
2. Responses to Defendant's Discovery.
3. Deposition of Plaintiff.
4. Deposition of Defendant Walmart Inc.'s 30(b)(6) witness(es).
5. Inspection of the premises.
6. Deposition(s) of Plaintiff's treating physicians.
7. Deposition of other percipient witnesses.
8. Initial expert disclosures.
9. Rebuttal expert disclosures.
10. Depositions of experts.
11. Issuing subpoenas to additional third-parties, including Plaintiff's medical providers (if any).
12. Additional written discovery (if necessary).
13. Any remaining discovery the parties deem relevant and necessary as discovery continues.

III.
REASONS THE PARTIES REQUEST TO EXTEND THE DISCOVERY DEADLINES

The parties respectfully submit, pursuant to Local Rule 26-3, that good cause exists for the following requested extension. This Request for an extension of time is not sought for any improper purpose other purpose of delay. Good cause exists for the following reasons: despite diligent efforts to coordinate the schedules of Plaintiff and Defendant's expert, the parties have been unable to schedule the Independent Medical Examination within the existing discovery period. The first dates the parties could agree on is January 3, 2025. Based on the foregoing, both Plaintiff and Defense counsel are requesting that the scheduling order dates including the initial expert disclosure date be extended to allow for Plaintiff's Independent Medical Examination to take place on January 3, 2025.

Extension or Modification of The Discovery Plan and Scheduling Order.

LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3. If the stipulation is made less than twenty-one (21) days before the expiration of a deadline, the parties must show a good cause exist. Despite diligent efforts to coordinate the schedules of Plaintiff and Defendant's expert, the parties have been unable to schedule the Independent Examination within the existing discovery period. The first dates the parties could agree on is January 3, 2025. Based on the foregoing, both Plaintiff and Defense counsel are requesting that the scheduling order dates including the initial expert disclosure date be extended to allow for Plaintiff's Independent Medical Examination to take place on January 3, 2025.

Discovery Deadline	Current Deadline	Proposed Deadline
Motion to Amend/Add Parties	October 7, 2024	October 7, 2024
Initial Expert Disclosures	November 4, 2024	February 5, 2025
All Rebuttal Expert Disclosures	December 4, 2024	March 7, 2025
Discovery Cut-Off Date	January 3, 2025	April 7, 2025
Dispositive Motions	February 3, 2025	May 7, 2025

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1 The parties represent this Stipulation is sought in good faith and not interposed for delay
2 or any other improper purpose.

3 DATED this 22nd day of October 2024

DATED this 22nd day of October 2024

4 TYSON & MENDES LLP

HICKS & BRASIER, PLLC

5
6 /s/ Griffith H. Hayes

/s/ Betsy Jefferis Aguilar

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12 **IT IS SO ORDERED.**

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Hon. Maximiliano D. Couvillier III
UNITED STATES MAGISTRATE JUDGE

15 DATED this 10/28/2024
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